

MINUTES

McCall City Council Regular Meeting Thursday, February 24, 2005

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ADJOURNMENT

CALL TO ORDER AND ROLL CALL

Mayor Eimers called the regular meeting of the McCall City Council to order at 5:00 p.m. Mayor Eimers, Council Member Bertram, Council Member Muller, and Council Member Robertson answered roll call. A quorum was present. Council Member Greer arrived at 5:31 p.m.

City Staff Members present were Lindley Kirkpatrick, City Manager and Bill Keating, Public Works Director.

EXECUTIVE SESSION

At 5:01 p.m., Mayor Eimers moved to go into executive session per Idaho Code Section 67-2345(1f) to consider pending litigation. Council Member Bertram seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Robertson and Council Member Muller voted aye. The motion carried.

At 5:58 p.m., Mayor Eimers moved to come out of executive session. Council Member Robertson seconded the motion. In a roll call vote, Council Member Bertram, Council Member Robertson, Council Member Muller, Council Member Greer, and Mayor Eimers voted aye. The motion carried.

REGULAR SESSION

The Council reconvened to regular session at 6:00 p.m.

City Staff Members present were Carol Coyle, Grant Writer; Brock Heasley, Parks and Recreation Director; Ralph Appa, Police Chief; Dan Irwin, City Clerk; Chris Yorgeson, City Attorney; Lindley Kirkpatrick, City Manager; and Bill Keating, Public Works Director.

Mayor Eimers led the Council in the Pledge of Allegiance.

Mr. Kirkpatrick stated that an additional agenda bill had been prepared for the consideration of the Timbercrest Development performance agreement. He stated that the performance agreement would require the developer to repair 1400 feet of sewer line in return for approval of their development request. He inquired if the Council would like to add the topic to the agenda or table the request for the next Council meeting.

The Council decided to table the item until the next regular Council meeting.

PUBLIC HEARING

At 6:04 p.m., Mayor Eimers opened the Public Hearing on AB 05-41 - Community Development Block Grant Application for Improvements to the Senior Citizen Building

Karl Augustine, Grant Administrator from Sage Community Resources, stated that the purpose of the agenda item was to conduct the required public hearing for the submission of an Idaho Community Block Grant application to the Idaho Department of Commerce and Labor for improvements to the McCall Senior Citizen Building. Mr. Augustine gave an overview of the Idaho Community Block Grant Program and stated that the public hearing was scheduled to allow the input of the community about the proposed activities. He stated that the Idaho Community Block Grant program is divided into four categories of funding and cited the application deadlines for each type. Mr. Augustine stated that \$600,000 is available to the State of Idaho for Senior Citizen Projects. He said that the proposed project will include the construction of a new handicap accessible entryway to the building, an energy efficient vestibule, coat room, janitor closet, coffee bar, handicap accessible restroom, commercial kitchen, and a new office and meeting space. Mr. Augustine stated that the total project cost is estimated to be \$133,300. He stated that the project will assist low to moderate income persons as defined by the Department of Housing and Urban Development.

Ramon Alford, Chairman of the McCall Senior Citizens Board, thanked the City Staff and City Council for supporting the project. He stated that the remodel of the building is necessary in order to meet the needs of the community.

Herb Schneider, 258 Moonridge Drive, stated that the Senior Citizens have been operating under handicapped conditions. He stated that the grant funding will allow the Senior Center to expand as a more useful facility that meets all of the ADA requirements.

John Lund, Board Member of the McCall Senior Citizens, stated that there is a critical need for the remodel of the Senior Center. He requested that the Council give their support for the project.

Ray Alford thanked Mr. Augustine and Sage Community Resources for the assistance they provided in putting the grant application together.

Hearing no further comments, Mayor Eimers closed the public hearing at 6:15 p.m.

Council Member Robertson stated that at a previous Council Meeting, Mr. Augustine originally estimated that the project would cost \$150,000 to \$180,000. He asked what changes to the project were made to arrive at the new cost estimate.

Mr. Augustine explained that a longer list of improvements to the facility was originally identified. He stated that the parking lot and carport expansion improvements were eliminated from the application to maintain a competitive edge for the funds. Mr. Augustine stated that the two activities will be mentioned in the application and could be funded if the Department of Commerce finds merit in their completion.

Council Member Robertson moved to approve the submission of the Community Development Block Grant application for improvements to be made to the McCall Senior Center, and authorize the Mayor to sign all necessary documents. Council Member Greer seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Robertson, Council Member Muller, and Council Member Greer voted aye. The motion carried.

Council Member Bertram stated that the McCall Improvement Committee had identified the completion of the Southern Corridor project as a priority. She stated that she would like Mr. Augustine to identify all sources of grant money that could be utilized for the project.

Mr. Augustine stated that the primary source of funding available for the completion of the project would be through the Idaho Community Block Grant program. He stated that applications for public facility and economic development projects are due in November 2005, and Sage Community Resources stands ready to assist the City and Improvement Committee to submit an application. Mr. Augustine cautioned the City in using the funds from the Transportation Enhancement Grant this summer since it could be used as a monetary match to the grant. He suggested that the City contact the Department of Commerce and Labor and request that the funds still be considered as match if it is expensed this summer.

BUSINESS AGENDA

AB 05-44 Annexation and Infill Priorities

Council Member Bertram recused herself from the discussion.

Mr. Kirkpatrick stated that the Council has engaged in several general conversations about the desire to establish a policy promoting infill development before annexation projects. He stated that several issues need to be addressed if it is the Council's intention to adopt a formalized policy. Mr. Kirkpatrick stated that annexation doesn't guarantee the extension of municipal services under Idaho Code. He stated that there are many examples of areas in the City limits that aren't served by municipal water,

sewer, or public roads. He stated that it is his opinion that an annexation approval doesn't require the City to expand the full gamut of municipal services to the area.

Chris Yorgeson, City Attorney, explained that since annexation requests are typically received before a preliminary plat, the City is unable to determine the amount of services that would be needed for the development. He stated that it would be premature to approve the extension of services to an annexed area without knowing the amount of development that will occur in the area.

Mr. Kirkpatrick stated that infill development is typically defined as projects occurring in areas that are already developed or urbanized. He stated that infill development would be in contrast to development occurring on the fringe of the City where services would have to be extended. Mr. Kirkpatrick said that if a policy is adopted it would be important to define if infill would include development occurring within the City limits even if it is located on the fringe. He added that the Council may also want to consider making a distinction in regards to the scale of development applications.

Mr. Yorgeson stated that if the Council adopts an infill priority policy they will need to clearly define if the preference would be expanded to the entire City limits or be limited to a specific boundary or location. He stated that it would be important to decide how the timing of application approvals would be considered in the policy, and how an infill request would be considered before other development requests. Mr. Yorgeson stated that the Council should also consider how long the preference would be established for.

Mr. Kirkpatrick stated that an argument can be made that the City Code and Comprehensive Plan already establish a preference for infill development. He stated that the current zoning ordinance approves lower density for areas outside the City limits. Mr. Kirkpatrick stated that annexation requests must go through a more complicated process and more public hearings before being approved.

Council Member Robertson asked which services are wanted when developments seek annexation. He stated that he thinks the discussion is aimed at addressing the capabilities of the sewer system. Council Member Robertson stated that a system could be established that would give preference to long time tax payer but thinks the Council could be creating a quagmire due to the other considerations that could surface such as property location.

Council Member Muller stated that he bases his decisions for approval when the development applications are presented. He stated that he would support a project based upon its design regardless if it is an infill project or not. Council Member Muller stated that he doesn't want to classify properties or establish a preference system.

Mayor Eimers stated that it would make sense to give a preference to an applicant that has paid property taxes in the City limits for several years, but it would be difficult to establish an objective process to achieve the intended result.

Council Member Muller stated that he doesn't want to make decisions based upon the myriad of issues that could be presented in the decision making process. He supports keeping the current process and approving the requests as they are received.

Scott Findlay stated that the problems of the City can be cured with money. He stated that the Council makes the decisions of where development can occur, but nobody can foresee if the development will be successful or not. Mr. Findlay stated that it is important for the City to generate a larger tax base through both infill and annexation development.

Council Member Robertson stated that if the Council adopted a preference policy he is concerned that such a complex structure would be developed that problems would occur. He stated that a bureaucratic mess could result when determining which areas are priorities for the extension of municipal services. Council Member Robertson stated that he favors continuing the practice that is already in place and let the development applications go through the current process.

Council Member Greer stated that the City needs to be responsive to the promises that have already been made when considering the extension of municipal services.

Council Member Robertson concurred that prior promises regarding the extension of services should be fulfilled unless a higher need is demonstrated elsewhere.

Mr. Kirkpatrick stated that the Council will get the opportunity to express their preference in individual development requests. He stated that the development community is receptive to the actions by the Council, and if the Council shows a preference for infill projects the development community will respond accordingly.

PUBLIC HEARING

AB 05-35 ZON-05-1 Scott Findlay/J.B. Scott Request for Zoning upon annexation / Ordinance No. 803

Mr. Kirkpatrick stated that the annexation request is for approximately 57 acres on the south side of Lick Creek road. He stated that the area is currently zoned R-1, Rural Residential. He stated that the public hearing has been scheduled to discuss what zoning designation should be placed on the property if it is annexed, and then the Council will make the decision if the annexation request should be approved. Mr. Kirkpatrick stated that the applicant's original request was to zone 47 acres of the property as zone A, low density residential, and 10 acres as zone GC, general commercial. He stated that the applicant requested that the general commercial zoning be strictly limited to residential use as he planned to establish an affordable housing project. Mr. Kirkpatrick stated that the Planning and Zoning Commission held a public hearing, and after a considerable amount of public comment recommended that the

property be zoned as type A, low density residential, if the annexation request is approved. He stated that the applicant had withdrawn his request for the higher density general commercial zoning. Mr. Kirkpatrick stated that Ordinance No. 803 would annex the property and provide for type A, low density residential zoning.

Council Member Robertson asked if there would be a problem in adopting the Ordinance since the draft findings and conclusions from the Planning and Zoning Commission aren't available.

Mr. Kirkpatrick stated that the omission of the draft findings and conclusions wouldn't affect the adoption of the Ordinance.

Council Member Muller requested that draft findings and conclusions be provided with the materials in the future.

Council Member Greer asked how many property owners were located within 300 feet of the proposed development. Mr. Kirkpatrick stated that there were approximately 50 property owners located within 300 feet of the development.

Council Member Bertram asked what types of public comments were received by the Planning and Zoning Commission.

Mr. Kirkpatrick stated that the majority of comments received were in regards to the request for the general commercial zoning.

Council Member Bertram asked if Mr. Kirkpatrick could ever foresee a development that could implement affordable housing without opposition. She asked how the City can provide affordable housing when nobody wants it in their backyard.

Mr. Kirkpatrick stated that there will probably always be some opposition when affordable housing is proposed. He asked if provisions for deed restricted housing could be added to a development agreement.

Mr. Yorgeson stated that a request for deed restricted housing couldn't be added to the development agreement, but a requirement for the developer to set aside lots for affordable housing could be added. He stated that the developer would have to agree to the provisions of the agreement.

At 7:05 p.m., Mayor Eimers opened the Public Hearing on AB 05-35 ZON-05-1 Scott Findlay/J.B. Scott Request for Zoning upon annexation / Ordinance No. 803

Scott Findlay stated that after going through the Planning and Zoning process, he has changed his original request and would now like to zone the entire property to type A, low density residential. He stated that during the public hearing process it became apparent that the request for the high density zoning was opposed by the neighboring property owners. He stated that the original request for the higher density zoning was

made in order to provide for an affordable housing tax credit project. He stated that the request was withdrawn based upon the concerns of the neighbors and Planning and Zoning Commission.

Council Member Muller asked how the affordable housing project would have been designed if the higher density zoning designation was approved.

Mr. Findlay stated that the project would have included 3 story townhouse units located on the majority of the ground. He stated that the project would have been designed in a quality fashion and wouldn't have looked like tenement housing. Mr. Findlay stated that the current request will provide for 158 units instead of 328. He stated that the development will be served with City water since a line is located on the development. He stated that the development has received approval for inclusion into the Payette Lakes Recreational Water and Sewer District for sewer service. He stated that the inclusion request was made due to the fact that that the Sewer District had a 15 inch sewer line that would be capable of serving the development. Mr. Findlay stated that approval of the development would add approximately \$300,000 per year to the City's property tax collection when it is fully developed. He stated that he has currently revised the proposed plat to include the addition of 11 duplex units. Mr. Findlay stated that he has agreed to extended the bike path along Lick Creek and establish berms between Lick Creek and Spring Mountain Ranch.

Council Member Bertram requested that Mr. Findlay meet with the bike path committee before drafting a plan for the bike path extension.

Mr. Kirkpatrick stated that under the inclusion approval the Sewer District assigned a density of 2.9 units per acre. He stated that the final plat approval will not be able to exceed that limitation.

Dan Fulkerson, Aspen Ridge Development, asked for clarification about the inclusion process. He stated that it is unfair that Aspen Ridge can't seek inclusion into the Sewer District since they are located in the City limits but Mr. Findlay can request annexation by the City after receiving approval for inclusion.

Sherryl Graham asked if Mr. Findlay had any plans for establishing tot lots or picnic areas that would serve the development.

Mr. Findlay stated that the development is still in the preliminary plat stage, but there aren't any existing plans for tot lots or picnic areas. He stated that the majority of the open space in the development will be located in the wetlands of the property.

Mr. Kirkpatrick stated that a public hearing on the preliminary plat would be conducted by the Planning and Zoning at their next meeting.

Hearing no further comments, Mayor Eimers closed the public hearing at 7:26 p.m.

Council Member Robertson stated that the request before the Council is for zoning approval and annexation but has nothing to do with plat approval or a guarantee to provide municipal services. He stated that approving the annexation wouldn't guarantee plat approval or the extension of any City services to the development.

Council Member Muller stated that he hasn't heard any negative comments from the public about the project since the request for the high density zoning was eliminated.

Council Member Muller moved to suspend the rules and read Ordinance No. 803 by title only, one time only. Council Member Robertson seconded the motion. In a roll call vote, Council Member Bertram, Council Member Robertson, Council Member Muller, Council Member Greer, and Mayor Eimers voted aye. The motion carried.

Mr. Kirkpatrick read Ordinance No. 803 by title only.

Council Member Muller moved to adopt Ordinance No. 803. Council Member Robertson seconded the motion. In a roll call vote, Council Member Robertson, Council Member Muller, Council Member Greer, Mayor Eimers, and Council Member Bertram voted aye. The motion carried.

Council Member Robertson requested that the draft Findings & Conclusions for ZON-05-1 be presented for approval by the Council at their next meeting.

AB 05-36 ZON-04-7 Fox Ridge Subdivision Request for Zoning upon annexation / Ordinance No. 804

Mr. Kirkpatrick stated that the applicant's request is for the annexation of 22 acres located south of the Middle School and east of Samson Trail. He stated Samson Trail will be used as the primary access to the subdivision. Mr. Kirkpatrick stated that the property is currently zoned R-1, rural residential, and the applicant requested the property to be zoned type B, medium density residential. He stated that the Planning and Zoning Commission held public hearings for the request and based upon concerns of the higher density, has recommended that the property be zoned type A, low density residential, if approved for annexation. Mr. Kirkpatrick stated that the property was approved for inclusion into the Payette Lakes Recreation Water and Sewer District and has been assigned a density of 2.097 units per acre. He stated that Ordinance No. 804 would approve the annexation of the property and designate the zoning as zone type A, low density residential.

Council Member Robertson stated that a letter from Fields and Hopkins in the Council's materials indicated that the request for annexation was conditional upon plat approval and zoning designation. He asked if there was any problem with approving the request since the original zoning designation had been changed.

Mr. Kirkpatrick stated that the developer has received conditional preliminary plat approval from the Planning and Zoning Commission dependent upon the Council's approval of the annexation request.

Mr. Yorgeson stated that the developer's letter had no effect upon the legality of the annexation ordinance and would zone the property as low density residential.

At 7:32 p.m., Mayor Eimers opened the Public Hearing on AB 05-36 ZON-04-7 Fox Ridge Subdivision Request for Zoning upon annexation / Ordinance No. 804.

John Hopkins stated that the Planning and Zoning Commissions recommended zoning designation of Fox Ridge will allow for the construction of a 37 unit subdivision. He said that the property will be served by City water and sewer service will be provided by the Payette Lakes Recreational Water and Sewer District. He stated that the development requested inclusion into the Sewer District because of the proximity to their sewer lines. Mr. Hopkins stated that he used to live in Blaine County and development has allowed infrastructure and services to be improved and developed. He stated that approval of the project will allow the City of McCall to expand its economic tax base. Mr. Hopkins stated that they are willing to pave their own roads and will connect to the District's sewer system which will save the City money and resources. He said that they have met with the neighboring property owners, City staff, and the Transportation Advisory Committee. He stated that the requested zoning designation was changed based upon the concerns of the neighbors and Planning and Zoning Commission. Mr. Hopkins stated that he doesn't consider the development to be indicative of sprawl since it is located next to a school.

Council Member Bertram asked if the development contained any parks, open space, or bike paths.

Mr. Hopkins stated that the development is a closed community so there aren't any bike paths. He stated that parks have been omitted from the plans of the development since the entire town is located within close proximity of recreational opportunities. He stated that 90 acres of open space exists to the east of the property as well as the school's playgrounds and football field.

Council Member Robertson clarified that the City owns 45% of the sewer line that will serve the development. He stated that the City had previously purchased capacity in the line under an agreement with the Sewer District.

Council Member Muller stated that he feels the addition of parks in subdivisions is beneficial and makes the development more attractive. He stated that open space is very important despite the abundant recreational opportunities in the area.

Council Member Bertram asked if the Planning and Zoning Commission made any provisions for the developer to install sidewalks on Samson Trail. Mr. Hopkins stated

that the Commission didn't make any requirement but they would not be opposed to the idea.

Sherryl Graham asked if the development contained any tot lots or picnic areas to provide for more open space.

Mr. Hopkins stated that the development doesn't contain any tot lots or picnic areas but does have a path that adjoins to the school.

Hearing no further comments, Mayor Eimers closed the public hearing at 7:55 p.m.

Council Member Robertson commented that he believes the development is a good project.

Council Member Bertram stated that the project is contiguous to the City limits and will be a benefit to the community.

Council Member Robertson stated that the Council needs to clarify that the adoption of the Ordinance is only for the annexation and zoning of the property and doesn't guarantee the extension of municipal services or plat approval.

Greg Pittenger, legal counsel for the applicant, clarified that the development differs from Mr. Findlay's as it has been given preliminary plat approval by the Planning and Zoning Commission.

Mr. Kirkpatrick stated that he will address the request for the installation of a sidewalk on Samson Trail with Mr. Hopkins before a final plat is presented to the Council.

Council Member Robertson moved to suspend the rules and read Ordinance No. 804 by title only, one time only. Council Member Muller seconded the motion. In a roll call vote, Council Member Muller, Council Member Greer, Mayor Eimers, Council Member Bertram, Council Member Robertson voted aye. The motion carried.

Mr. Kirkpatrick read Ordinance No. 804 by title only.

Council Member Robertson moved to adopt Ordinance No. 804. Council Member Muller seconded the motion. In a roll call vote, Council Member Greer, Mayor Eimers, Council Member Bertram, Council Member Robertson, and Council Member Muller voted aye. The motion carried.

Council Member Robertson stated the Council will need to approve the draft findings and conclusions from the Planning and Zoning Commission at their next meeting.

PUBLIC COMMENT

At 8:00 p.m., Mayor Eimers called for public comment.

Pauline Doleshal, 625 Floyde Street, provided materials to be distributed to the Council regarding the problems related to the construction of her residence. She stated that she is still seeking answers from the City of what purpose a building permit serves, how the job performance of the building inspector is monitored, and if the City staff is aware of the health implications caused by exposure to mold. She stated that at previous meetings she has cited numerous building code violations that exist at her residence. Ms. Doleshal stated that the City has remained silent on the issues and she wants answers as why the oversight occurred. She asked what method plan can be implemented for accountability by the building inspector. Ms. Doleshal stated that she doesn't think the problem with her residence is an isolated problem. She stated that the building inspector position requires that the monitoring of construction be in compliance with City ordinances and other applicable building codes. She stated that the only document she has been privileged to see is a copy of the building permit which contains very little information. Ms. Doleshal believes the City has engaged in a dereliction of duties by not resolving the problems she has presented. She requested that a representative from the City answer her three questions.

Mr. Kirkpatrick stated that he would be willing to respond to Ms. Doleshal's questions. He requested permission from the Council to limit his discussion only to the three specific questions as Ms. Doleshal has accused the City staff of some egregious violations. Mr. Kirkpatrick stated that the purpose of building permit is to ensure compliance with the code, the performance of the building inspector is monitored through the City's performance management system, and he does have some familiarity with mold.

Dean Martens, 321 Cee Cee Way, stated that he is having problems in his neighborhood with snow removal because of cars parked on the street. Mr. Martens stated that he contacted the Police Department on multiple occasions. He stated that the Police Department addressed the issue with the residents and landlord but the problem continues to exist. Mr. Martens stated that he scheduled a meeting with Mr. Kirkpatrick where he discovered the City doesn't have an ordinance regarding restricted parking on the streets during the snow removal period. He stated that there is a provision for such in the State Code but enforcement would be difficult. He stated that under the current McCall Code the Chief of Police is authorized to install signs that would regulate parking. Mr. Martens stated that he would be willing to assist in drafting an ordinance that would regulate on-street parking during snow removal hours or would like a sign to be installed in his neighborhood.

Hearing no further comments, Mayor Eimers closed the public comment at 8:10 p.m.

CONSENT AGENDA

Council Member Robertson and Mr. Yorgeson provided corrections to the January 24, 2005 Minutes to be made prior to the Mayor signing them.

Council Member Muller asked how many memberships to the Rotary Club are paid on behalf of staff members. He stated that he thinks the Council had previously discussed the merits of the City paying the dues but wasn't sure if a final decision was made.

Mr. Kirkpatrick stated that two memberships to the Rotary Club were approved under the current City budget. He stated that the Council previously discussed possibly eliminating the membership payments in the next budget.

Council Member Bertram asked about the expense to Honey Dippers for services at the Airport.

Bill Keating, Public Works Director, explained that the Airport is served by a septic system. He stated that the City bills the tenants at the airport for monthly sewer service and has to periodically pump out the system.

Council Member Robertson asked about the reimbursement for overtime expense and meal expenses by the Idaho Homeland Security Office. He asked the Police Chief how much of the expense was for meals. Chief Appa stated that the expense was a negligible amount.

Council Member Muller asked about the arrangement with the School District for overtime reimbursement.

Chief Appa stated that when the youth officer position was formed the School District agreed to reimburse the City for overtime expenses that the officer would incur at special events. He stated that during the past year the School District increased the amount of the reimbursement considerably. Chief Appa stated that the first payment was used to cover the expenses incurred for officers attending special events. He stated that the second payment will be used to supplement the Department's overtime budget because of the toll that special investigations and emergencies have taken on the line item. Chief Appa stated that he has discussed the use of the money with the school's superintendent. He stated that the funds are allocated from a grant that the School District has secured.

Council Member Muller stated that he is concerned that the Police Department doesn't break down the specific expenses of what the money is used for.

Council Member Robertson stated that the Police Department should document how the funds are expensed in case an audit is conducted.

Council Member Robertson moved to approve the Consent Agenda as modified and authorize the Mayor to sign all necessary documents. Council Muller seconded the motion. Council Member Bertram recused herself from the vote. All other Council Members voted aye. The motion carried.

BUSINESS AGENDA

AB 05-37 Special Use Permit for Scenic Boat Cruises

Brock Heasley, Parks and Recreation Director, stated that Ray Dupree is planning on conducting scenic boat cruises on Payette Lake for a second year. He said that in accordance with McCall City Code 8-14-4, Mr. Dupree has requested approval for a Special Use Permit to allow him the use of the southerly face of the southernmost dock at the municipal boat launching ramp near the west end of Fir Street for picking up and dropping off passengers. Mr. Heasley stated that the Parks and Recreation Advisory Committee have reviewed Mr. Dupree's request and recommends that the City Council approve the request. He provided the Council with a letter from Mr. Dupree, a flyer describing his business, the minutes from the April 22, 2004 City Council meeting where the request was previously approved, and the proposed hold harmless agreement and Special Use Permit for 2005.

Council Member Muller stated that when the request was approved last year, the Council required Mr. Dupree to obtain insurance coverage. He requested that the hold harmless agreement specify the amount of insurance coverage that is required.

Council Member Robertson stated that the agreement specifies that Mr. Dupree must provide the City a certificate of liability insurance in an amount not less than \$500,000 per occurrence.

Ray Dupree stated that the City Attorney requested that he obtain insurance coverage in the amount of \$500,000 per occurrence when the special use permit was approved last year. He stated that the policy is still in effect and he will renew it when it expires later this year. Mr. Dupree stated that his business was successful last year and 45 families utilized the service. He stated that everyone enjoyed the city and the lake.

Council Member Muller moved to authorize the City Clerk to issue a Special Use Permit to Mr. Dupree to pick up and drop off passengers at the southerly face of the southernmost dock at the municipal boat launching ramp near the west end of Fir Street, contingent upon Mr. Dupree's submission of a hold harmless agreement and submission of a liability insurance policy in an amount not less than \$500,000 per occurrence with the City named as an additional insured.

Council Member Greer seconded the motion. All Council Members voted aye. The motion carried.

AB 05-40 Appointments to the Local Option Tax Commission

Dan Irwin, City Clerk, stated that Ordinance No. 796 requires the City Council to appoint seven members comprised of two members of different City Advisory Committees, one senior citizen representative, and four at large residents to a Local Option Tax Commission. He stated that after several weeks of advertising in the Star News, eight letters of interest were received for serving on the committee. He stated that the membership will have the responsibility of developing annual budgets and to make recommendations for the use of the local-option non-property tax revenues. Mr. Irwin stated that letters of interest were received from Henry McCauley, Sherryl Graham, Louis Blas, Lance Daniels, Rob DeMore, Roger Snodgrass, Stephen Gleason, and Jim Hinson. He stated that Mr. McCauley and Mr. Snodgrass are members of existing City advisory committees and Mr. Blas would be considered eligible for appointment as the senior citizen representative.

Council Member Bertram suggested that the appointments be made based upon the date that the letters of interest were received from the applicant.

Council Member Bertram moved to appoint Henry McCauley, Sherryl Graham, Louis Blas, Lance Daniels, Rob DeMore, Roger Snodgrass, and Stephen Gleason to the Local Option Tax Commission. Mayor Eimers seconded the motion. All Council Members voted aye. The motion carried.

Council Member Greer requested that a letter of thanks be sent to Jim Hinson for his willingness to volunteer for the position.

AB 05-43 Appointments to the Planning and Zoning Commission

Mr. Kirkpatrick stated that two seats on the Planning & Zoning Commission are up for renewal. He explained that one is for a City resident and is currently held by Jeff Schoedler, and the other is for an impact area resident and is currently held by Phil Feinberg. Mr. Kirkpatrick stated that both members have expressed interest in being reappointed. He explained that the positions have been advertised in the Star News and no other applicants have come forward. Mr. Kirkpatrick added that Dottie Moore has indicated that she will be submitting her resignation from the Commission. He stated that Ms. Moore has agreed to remain on the Commission throughout the Whitetail application before vacating her position.

Council Member Muller moved to direct the Mayor to appoint Phil Feinberg to the Planning & Zoning Commission, to a term expiring on January 31, 2008 and to direct the Mayor to appoint Jeff Schoedler to the Planning & Zoning Commission, to a term expiring on January 31, 2007. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried.

Mayor Eimers announced the appointments of Phil Feinberg and Jeff Schoedler to the Planning and Zoning Commission.

REPORTS

Mr. Kirkpatrick announced that Robin Potts had submitted her resignation from the City. He stated that a search for a new Administrative Assistant will begin soon.

Mr. Kirkpatrick stated that Roger Millar will be assuming the duties as the Community Development Director in the middle of March. He stated that he just learned that Mr. Millar is a current member of the American Society of Certified Engineers Infrastructure Committee which will be issuing a report on the infrastructure of the United States. He stated that Mr. Millar will be testifying before a Congressional Committee and will be meeting with the Idaho Congressional Delegation.

Mr. Kirkpatrick reported that a RFP regarding the impact fee study hasn't been issued yet.

Mr. Kirkpatrick stated that initial work has begun on drafting a RFP for a wastewater treatment facility plan. He stated that he plans on talking to various engineering companies and the Sewer District to begin the process.

Mr. Kirkpatrick announced that the Planning and Zoning Commission will be holding a work session to discuss revisions to the Zoning Ordinance.

Mr. Kirkpatrick stated that the annexation request for the Whitetail development and the Payette View Condos request for a street vacation will be placed on the March 24th Council agenda. He stated that agenda bills regarding the fire station remodel and Golf Course Department restructure will be placed on the next Council agenda.

Council Member Robertson stated that he received a phone call complaining of the amount of dust on Highway 55. He stated that he would like to see the streets swept on a more frequent basis.

Council Member Robertson stated that the City paid \$235,000 for the last wastewater facility plan and was concerned that the estimate from Holladay Engineering was too low. He recommends choosing a large engineering firm with credibility to conduct the study.

Council Member Robertson stated that the Golf Course management committee would like to discuss the golf rate proposal before any action is taken.

Council Member Robertson requested that Mr. Kirkpatrick compose a letter to the Sewer District asking them to cite a specific number of how much recent development has been approved by the District. He stated that the data is essential for the City to determine how much capacity is available in the sewer system.

Mr. Kirkpatrick stated that he has contacted the Sewer District which informed him that the data needs to be compiled.

Council Member Muller requested that a written policy regarding the use of unmarked police vehicles be developed and presented to the Council. He stated that he would also like to see a copy of the standards and goals that are developed for the Police Advisory Committee.

Council Member Muller stated that he is still waiting to receive a statistical report on youth crime from the Police Chief.

Council Member Bertram stated that since the impact fee study will not be completed before the building season is over the City needs to consider other avenues of collecting revenue for the expansion of the sewer system.

Mr. Kirkpatrick stated that he is currently reviewing the water and sewer connection charges to ensure the equation captures all applicable costs.

Chris Yorgeson stated that case law dictates that fees have to be reasonably related to the use of which they are charged. He stated that an impact fee study must be conducted to establish any fees that would be charged for future improvements or expansion.

Mayor Eimers asked how the Council would like to respond to the concerns of Dean Martens regarding the problems with snow removal in his neighborhood.

Council Member Bertram suggested that the City install a sign that restricts on-street parking during snow removal hours. The Council agreed that a sign should be installed at the location.

Mayor Eimers stated that the Council needs to consider fully funding the Court Services Agreement with Valley County with the surplus fund balance.

ADJOURNMENT

Without further business, Mayor Eimers moved to adjourn. Council Member Greer seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 9:32 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Dan Irwin, City Clerk